

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Thomas RICHARDSON et al.

Examiner: Timothy E Betton

Serial No.: 10/058,835

Group Art Unit: 1614

Filed: January 30, 2002

Confirmation No.: 2416

Title: METHODS FOR SUSTAINED RELEASE LOCAL DELIVERY OF DRUGS
FOR ABLATION OF UNWANTED TISSUE

RESPONSE TO REQUIREMENT FOR ELECTION OF SPECIES

Mail Stop
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SIR:

In response to the Office Action mailed January 25, 2008, and the requirement for an election of species therein, applicants hereby elect the species wherein the small molecule drug is a beta-adrenergic stimulator and the controlled release carrier is a polyethylene glycol group-containing macromolecule. It is believed that claims 33, 38, 40, 42, 46-51, 53-55 and 57-63 encompass the elected species.

The Examiner is encouraged to examine the broadest possible scope of invention indicated by the elected species. In accordance with M.P.E.P. §803.02 and as stated in the Office action, should no prior art be found which renders the invention of the elected species unpatentable, the search of the remainder of the generic claim(s) should be continued in the same

application. It is improper for the PTO to refuse to examine in one application the entire scope of the claims therein unless they lack unity of invention. The generic claims herein have not been alleged to lack unity of invention.

Favorable action is earnestly solicited.

Respectfully submitted,

/John A. Sopp/

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JAS:sb